The Planning Inspectorate

Appeal Decisions

Site visit made on 7 October 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal A Ref: APP/N0410/W/19/3228295
Land rear of 23 - 35 High Street, Iver SL0 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Elite Homes Ltd against the decision of South Bucks District Council.
- The application Ref PL/18/3474/FA, dated 20 September 2018, was refused by notice dated 15 November 2018.
- The development proposed is the erection of two storey building to provide 1 no. two bedroom apartment with ground floor parking. Reconfiguration of car park layout to provide 42 no. spaces, with associated tree and soft landscape planting. Demolition of garage block.

Appeal B Ref: APP/N0410/W/19/3232765
Land rear of 23 - 35 High Street, Iver SL0 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Elite Homes Ltd against the decision of South Bucks District Council.
- The application Ref PL/19/1507/OA, dated 1 May 2019, was refused by notice dated 26 June 2019.
- The development proposed is the erection of 6 no. apartments with ground floor parking. Reconfiguration of car park to provide 44 no. spaces, with associated tree and soft landscape planting. Demolition of garage building.

Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Procedural Decision

2. As set out above there are two appeals on this site. They differ only in the quantum of development and type of application, Appeal B being an application for outline planning permission for 6 flats. I have considered each proposal on its individual merits, however, except where otherwise indicated, given the similarities and to avoid duplication I have dealt with the two schemes together.

Main Issues

3. The main issues common to both Appeal A and Appeal B are the effect of the proposals on the character and appearance of the area and whether adequate living conditions would be provided for future occupants, with regard to outdoor amenity space.

4. With regard to Appeal B, a further main issue is the effect of the proposal on parking.

Reasons

Character

5. The site is a surface level car park behind buildings fronting the High Street. It serves the private parking and servicing needs of retail units together with the flats which sit at first floor level. Access is gated and gained at surface level from under the flats. Industrial uses are located on the southern and eastern boundaries with the rear elements of further retail units (which front the High Street) to the west.

6. The evidence indicates that parking bays are allocated to a range of users, including individual retail units and the existing residential occupiers. There are designated bin store areas. The car park also provides access to the retail units (via doors to the rear) with space for servicing from vehicles.

7. In both appeals, the proposal would see new buildings sited within the car park providing flats at first floor level and undercroft parking preserving the function of the car park at surface level. In Appeal A, the building would provide one flat with access gained from the external staircase leading to the existing flats. In Appeal B, outline planning permission is sought for six flats, two on the western edge of the site and a further four on the southern boundary. The design broadly reflects the existing flats in respect of roof form/dormer windows.

8. The proposals include proposed landscaping works which would provide for resurfacing, remarking of bays together with planting at ground level and on the first floor terrace associated with the existing flats. Whilst indicative plans have been provided in respect of Appeal B, details of landscaping are a reserved matter as the specifics would need to be revised (from the Appeal A landscaping scheme) in order to account for development proposed on the southern boundary.

9. Notwithstanding these improvements, in my judgement they would fail to transform the space into a courtyard. The overriding purpose would continue to be to provide car parking and, to a lesser extent, service access. Furthermore, the site is large and, particularly in respect of Appeal A, the quantum and siting of buildings would fail to provide sufficient sense of enclosure to create a functioning courtyard. Finally, regardless of improvements to the rear façade of the retail units, this is an unanimated, largely featureless elevation which would fail to make a positive visual contribution to a courtyard.

10. The evidence in respect of the pattern of development in the wider area is acknowledged, as is the absence of a building line within the site itself, however this does not outweigh the fact that residential development within the car park would be incongruous.

11. For the above reasons, the proposals would have a detrimental impact on the character and appearance of the area and as such it would conflict with the Development Plan in respect of the South Bucks District Local Plan (March 1999) (the Local Plan) including Policy EP3 regarding development needing to be compatible with the character of the site, adjoining development and the

locality in general and Policy H9 in respect of proposals being compatible with the character of the surrounding area, including in terms of layout.

Living conditions

12. Whilst the appeals differ in the quantum and position of development, the issue relating to the effect of development on the living conditions of future occupiers is the same.

13. The existing residential flats at first floor level sit above the retail units, accessed from external staircases from the car park. They are set back from the edge of the building below, behind a terrace which sits over the rear portion of the ground floor retail units; this terrace provides an area of outdoor space which the flats are accessed from.

14. The proposals would introduce residential dwellings into the existing car park. Owing to their scale, the new buildings sit at a lower level than the existing flats. The smaller building on the western boundary of the site would be accessed from the existing external staircase. The plans indicate that the flats would have external balconies accessed from the lounge space. The single flat proposed in Appeal A would have windows on two elevations whereas those proposed in Appeal B would be single aspect.

15. The arrangement of buildings within the site, together with their single aspect design, means that rooms within the flats face onto the car park. The proposed reconfiguration of this external space would (for Appeal A) provide seating and areas of soft planting. For Appeal B, landscaping is a reserved matter although it appears that areas proposed for planting within the indicative scheme would be built upon in this larger scheme and therefore it is unclear whether the site could provide appropriate spaces.

16. Irrespective of proposed landscape improvements, and notwithstanding any benefits for the existing occupiers, future occupiers would only (aside from a small balcony) be able to access external spaces whose predominant use is for the parking of cars and servicing the High Street retail units. On this basis, I agree with the Council's position that it is not clear whether future occupiers would realistically wish to use these spaces.

17. The evidence refers to other sites within the area which either have planning permission or are being considered through policy making. Notwithstanding any potential similarities, I do not have the specifics of those schemes before me and therefore can place no weight on this evidence.

18. For the reasons given above, the proposals would fail to provide adequate living conditions for future occupiers, specifically in respect of useable outdoor space, contrary to policy H9 of the Local Plan in respect of being compatible with surrounding character and provide usable amenity space and the Residential Design Guide Supplementary Planning Document (2008) insofar as it seeks to encourage good urban design.

Car parking – Appeal B only

19. The proposal indicates that a realigned car park would provide 44 car parking spaces together with bin storage and a footway to the rear of the retail unit service doors. Whilst the details are a reserved matter, landscape planting is also indicated in this area.

20. The proposal is for six flats with the mix to be determined. Indicative plans show that this would be either six two-bedroom flats or four two-bedroom and two one-bedroom flats. This would generate a car parking requirement of ten or twelve spaces respectively.

21. The evidence indicates that there is currently surplus capacity within the car park. However, there are no specific details of this before me in the form of a parking study, or similar evidence, nor are there detailed plans showing how the future car parking provision would be allocated between existing residents, commercial users or future occupiers.

22. In addition, whilst the evidence indicates that the frequency of servicing the retail units from the car park is limited, no specific details have been provided of the frequency or timing. Further, the car park layout provided does not identify a specific area for the parking of service vehicles. Therefore, notwithstanding the provision of a walkway to access the rear of the ground floor units, as a result of the car park layout, there would be potential for conflict between manoeuvring vehicles.

23. As a result, there is insufficient detailed evidence before me to conclude that there would be sufficient car parking available on site which would provide for the needs of existing and future users and that the layout would avoid conflict between servicing vehicles and the residential users. In light of this, it is also unclear whether the development would avoid increasing parking pressures away from the site.

24. As such, it is not possible to conclude that the proposal would avoid an unacceptable impact on parking and avoid conflicts between users. It is therefore contrary to Policy TR7 of the Local Plan which requires details of parking provision onsite without reducing provision elsewhere.

Other Matters

25. The evidence addresses the overall aspiration for the scheme, including making use of an underutilised site and supporting town centres through the provision of residential development where occupants can use local services. Whilst I acknowledge these points, they do not outweigh the harm found in respect of the main issues.

26. Representations referred to local air quality and the designation of an Air Quality Management Area. This matter was not a reason for refusal in either instance and no evidence has been submitted to substantiate this; I have given no weight to this issue in my decision.

Conclusion

27. I have found that the development would be harmful to the character and appearance of the area and fail to provide adequate living conditions for future occupants. With regard to Appeal B, there is insufficient evidence in relation to the specific details of parking and servicing.

28. For the reasons set out above, both Appeal A and Appeal B are dismissed.

M Harris

INSPECTOR